

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

IN RE: TERRORIST ATTACKS ON

MDL 03-1570 (GBD)

SEPTEMBER 11, 2001

THIS DOCUMENT RELATES TO:

FIONA HAVLISH, ELLEN SARACINI, and
Representatives of Other Decedents
v. BIN-LADEN, IRAN, et al.

CIVIL ACTION NO.
CV-03-9848 (GBD)

Declaration of Jean-Louis Bruguière

I, Jean-Louis Bruguière, being duly sworn, depose and say:

A. Qualifications of the Witness

1. I am an adult citizen of the French Republic, resident in Paris, France.
2. From 1970 until 2007, I worked in the French Judiciary as a judge. I have been appointed as an Investigative Magistrate, a position that has no exact equivalent in the United States. My position gave me authority to conduct terrorism cases as a U.S. Attorney would do in the United States. Additionally, as a judge, I could issue search and seizure warrants and arrest warrants on my own authority.
3. Since 1982, I was appointed Chief of the Judicial anti-terrorism Division, a special anti-terrorism court.
4. As part of my official functions, I investigated numerous cases of Palestinian terrorist attacks in France. I was also the lead magistrate in the successful investigation and prosecution of high-ranking officials of the Government of Libya for their involvement in the bombing of UTA flight 772 over Niger on September 19, 1989, just nine months after the Pan Am 103 bombing over Lockerbie, Scotland.
5. In 1991, I investigated the case of the assassination of former Iranian Prime Minister Shahpour Bakhtiar. I successfully identified and prosecuted several Iranian government officials who were directly involved in the plot to assassinate

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Bakhtiar.

6. Starting in 1994, I began to investigate a series of North African terror networks linked to the radical Islamist movement, which had carried out terrorist attacks in France. This investigation led me to undercover the existence of the organization now known as *al Qaeda*. I worked extensively with the *Direction de la Surveillance du Territoire* ("DST"), the French counter-terrorism service, which succeeded in infiltrating *al Qaeda* networks in Pakistan and Afghanistan in the mid-to-late 1990's. We discovered how *al Qaeda* recruited young Muslims in Europe, arranged for them to travel to Pakistan and ultimately to Afghanistan, where they received terrorist training in *jihad* camps prior to being sent back to their home country in order to carry out terrorist operations.

7. In 2004, I was promoted to become Senior Vice-President of the *Tribunal de Grande Instance* in Paris, the equivalent of a United States district court.

8. I took leave from my judicial responsibilities in 2007 to make an unsuccessful run for a seat in the French parliament, and I resigned not long afterwards.

9. In March 2008, I was appointed by the European Union to a newly created post as a "European Eminent Person" to work with the U.S. Department of Treasury to review ongoing compliance of the Terrorist Finance Tracking Program (TFTP) with U.S. government commitments.

10. Most of the statements I am making today are contained in my recently published memoir, *Ce que Je n'ai pas pu Dire*, (Editions Robert Laffont, Paris, 2009). Specific page references to this book are set forth herein after the assertion to which they relate.

B. Early investigations of Islamist terrorist networks in France

11. In January 1992, the Algerian government decided to suspend parliamentary elections rather than risk a victory by the opposition Islamic Salvation Front ("FIS")¹. That decision provided the spark that led to widespread violence in Algeria that ultimately caused the deaths of hundreds of Frenchmen and more than 100,000 Algerians. [p. 300.]

12. A more radical group, the *Groupe Islamique Armé* ("GIA"), which subsequently became part of *al Qaeda*, battled both the FIS and the Algerian government. The strategic agenda of the GIA was to make Algeria the first

¹ The Islamic Salvation Front is generally known by its French acronym, FIS (*Front Islamique du Salut*). The FIS had won 47% of the vote during the first round of elections on December 26, 1991, giving them a clear lead for the run-off elections.

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emirate of a worldwide Islamic caliphate, in accord with the project of Osama bin Laden. [p.301.]

13. I spent many years investigating the logistical activities of the GIA, in particular its arms procurement and terrorist networks in France. (In English, GIA is known as the Armed Islamic Group.) These investigations led me to discover the beginnings of *al Qaeda* in Europe, and *al Qaeda*'s nascent ties with the Islamic Republic of Iran.

14. We found that the GIA used decentralized and even spontaneous networks, a characteristic it shared with other radical Islamist groups. In this way, individuals could belong to a terrorist cell without necessarily belonging to a movement or an organization. It was enough if they went to the same mosque, or came from the same village or the same suburb, or that they had met each other in France or someplace else, even by chance. Similarly, they didn't need to receive specific instructions in order for them to engage in terror-related activities or attacks. Their goal was *jihad*, a violent war to impose *sharia* law (fundamentalist Islamic law from the Koran) as the only legitimate constitution in the countries where they were living. [p.305.]

15. Starting in 1994, we began to discover the existence of a series of connections, or "rat lines," linking Islamist cells in Europe to Afghanistan, the birthplace of *jihad*. Via these "rat lines," aspiring *jihadi* recruits could travel from Europe to Afghanistan for training at Afghan training camps. Once a *jihadi* returned from the Afghan training camps, he became known as an "Afghan" and benefited from a new, elevated status among his peers. Because Sunni Islam does not have a hierarchical clergy, the "Afghans" [or "Afghan-Arabs," as they were called in the West] were able to recruit new members to the *jihad* on their own authority and set up new operational cells involved in terrorist plans. This is the essence of how the GIA and later, *al Qaeda*, operated. [p.307.]

16. France has always conducted anti-terrorist operations within the framework of French laws, with the police under strict control of the judiciary. We have never seen any conflict between legality and effectiveness. [pp. 300, 307.]

17. Starting in 1994, I was the Investigative Magistrate in several cases involving these GIA terror networks implicated in logistics and financial activity, notably arms procurement..

18. On Dec. 24, 1994, GIA terrorists disguised as employees of Algerian Airlines seized control of an Air France Airbus A300 as it was preparing to take off from the Algiers airport, bound for Paris. When the Algerian authorities blocked the plane from leaving, the terrorists began executing hostages. Finally, at 2:00 a.m. on December 26, 1994, the Algerian government allowed the plane to take off. The French government arranged for the aircraft to land in Marseille, France, on the pretext of taking on fuel. While on the ground, the French anti-terror squad GIGN stormed the airplane and killed all the terrorists without wounding a single

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passenger or member of the flight crew. [p. 320.]

19. Later, during the search and seizure of a GIA safe house in London conducted under an international rogatory letter issued by me, we obtained materials that convinced us that the hijackers had been planning to crash the plane into the Eiffel Tower in Paris. Such a plan was confirmed by a witness, a former member of GIA. This was, therefore, a precursor of the September 11, 2001 attacks on the World Trade Center.

20. Not long after the Christmas hijacking, the GIA issued a chilling *communiqué*, calling the French people “enemies of God,” and warning that the GIA was planning terrorist attacks against major French cities. “Nothing will stop us,” the *communiqué* said. “We swear that we will interrupt your pleasures and destroy your resting places. Islam will penetrate France with your agreement or by force.” This was the same language we would hear a few years later from Osama bin Laden himself. [p.321.]

21. Starting on July 25, 1995, the GIA made good on its threat and embarked on a bloody terrorist campaign in France. In particular, it bombed the St. Michel metro train station in downtown Paris, killing eight people and wounding another 150. This was just the beginning of a sustained terror campaign that would extend through October of that year.

C. The Iranian Rat Line to the *al Qaeda* camps in Afghanistan

22. In the course of my investigations of the 1995 bombings, I discovered that key ideological leaders of the *jihad* were based in London, which they had made their logistical hub. Among the top *jihadis* operating in London at that time were Abu Qatada and Abu Hamza. Dr. Ayman al-Zawahri, who went on to become second-in-command of *al Qaeda*, also frequently came to London during this time. Our repeated attempts to get the British authorities to extradite key members of the Algerian networks in London were systematically denied. Britain was then engaged in a war against the Irish Republican Army and apparently did not want to open up a “second front” with the *jihadis*. They appeared to have struck a tacit agreement allowing these groups to operate from the Finsbury Mosque in London, as long as they did not carry out terrorist attacks on British soil. All of that changed with the July 2005 attack on the London Underground, when the British authorities finally upheld an extradition request I had filed in 1995 for Rashid Ramda, the GIA terrorist who financed the 1995 terror campaign. [pp. 331; 335-337.]

23. In the mid-to-late 1990's, London also became the gateway for new recruits seeking to join the *jihad*. From there, they would travel to Pakistan, where they were welcomed into a series of guest houses operated by the Algerian networks

known as the *Maktab al-Khadamat* (Services Bureau). Those considered fit for military training were then sent across the border into Afghanistan in small groups. [pp. 335-36.]

24. The training camps run by the Algerian and Moroccan *jihadi* groups were in north and northwest Afghanistan, whereas those run by *al Qaeda* were in the south, near Kandahar. *Al Qaeda* sent spotters to the North African-operated camps in Khalden and Jalalabad and selected the most motivated new recruits for more specialized training in the *al Qaeda* camps near Kandahar where they learned to use poisons, manufacture explosive sand remote-controlled detonators, and handle chemical and biological weapons. [pp. 337-38.]

25. *Al Qaeda* used three routes to bring *jihadi* recruits into Afghanistan. The first, run by the Services Bureau, went through Peshawar, Pakistan, and was considered the “normal” route. A second route that led directly to the *al Qaeda* camps near Kandahar used a southern route passing through Karachi and Quetta, the capital of Pakistani Baluchistan.

26. A third route, used less frequently, went through Iran. The Iranian route was reactivated after the attacks of September 11, 2001, to allow the *jihadis* to flee Afghanistan before the American military strike, and to allow other *jihadis* to return to Afghanistan to fight the Americans. [p. 341.]

27. Between 1994 and 2001, an estimated 1,100 French converts to Islam or young Frenchmen of North African descent went to Afghanistan for military training in *al Qaeda*-related camps. All of the individuals investigated within the framework of terrorism prosecutions in France had undergone training in the Afghan camps. From 1994 until 2001, Afghanistan was the birthplace and the cradle of the ferocious ambition of *al Qaeda* and its allies to conquer the planet by *jihad*. [p. 342.]

D. The Beghal case

28. We learned more about the Iranian “rat line” during our investigation of an *al Qaeda* plot, coordinated by a young Frenchman of Algerian descent named Djamel Beghal, to blow up the U.S. Embassy in Paris in 2001. Beghal was detained in Dubai, in the United Arab Emirates, in the summer of 2001 *en route* from Pakistan to Morocco. Information obtained by investigators from the French counter-terrorism service, the DST, allowed us to identify a dozen people involved in the plot, and we opened a case against them on September 10, 2001.

29. I flew to Abu Dhabi on September 21, 2001, with an official request to interrogate Beghal, and I ultimately convinced the U.A.E. authorities to extradite Beghal to France because he held French citizenship. In the meantime, we

rounded up the other members of his cell and seized incriminating materials at a safe house they were using in the Paris area. [pp. 421-25.]

30. In January 2001, Beghal went to Kabul and was sent for military training in an *al Qaeda* camp. Thereafter, he was told that “the Sheikh” – Osama bin Laden – had a mission for him in Europe. To accomplish that mission, Beghal needed to undergo more advanced training, so he was sent to another *al Qaeda* camp in Kandahar, the very heart of *al Qaeda* operations. While he was training, he met two other individuals who turned out to be the suicide bombers who would assassinate Ahmad Shah Massoud (the leader of the Northern Alliance in Afghanistan) just days before the September 11 attacks. (Beghal told me that he recognized their faces after the attack, and that he had previously met them in Jalalabad.) Beghal’s handlers gave him a *nom de guerre*, and he stayed in the compound of Osama bin Laden himself. Beghal met several times with Abu Zubayda, then the number 3 official in *al Qaeda*, who headed its operations group. It was Abu Zubayda who told Beghal that his target was the U.S. Embassy in Paris. [p. 428.]

31. I interrogated Beghal more than twenty times. He denied the statement he made earlier in Abu Dhabi concerning his involvement in an alleged plot against the U.S. Embassy in Paris. However, he confirmed other parts of the confession he made after his arrest in the U.A.E., in particular his activity in Afghanistan. In the course of my investigations, despite his denial, I brought evidence that he was indeed involved in a plot against the United States. [p.433.]

32. Beghal’s wife left Afghanistan after the September 11, 2001, attacks, by traveling into Iran with other *al Qaeda* women and family members. The Iranians kept her for a while in Mashad, Iran, not far from the Afghan border, and then took her to Tehran. For about a month and a half, Beghal had no news of her whereabouts. Finally, the French government learned through official channels in Tehran that she was in Iran and safe. I told Beghal that I would do what I could to facilitate her return to France, just as we would do for any other French citizen – a promise that we kept. [p.434.]

E. Abu Musab al-Zarkawi and Iran

33. Much has been made of the presence in northern Iraq, before the 2003 war, of Abu Musab al-Zarkawi and his *al Qaeda* affiliated group, *Ansar al-Islam*. My investigations found that Zarkawi’s main ties were not to Iraq, as often alleged, but that his group traveled through Iranian territory on a regular basis and used Iran for clandestine meetings, activities that implied the complicity of the intelligence services of the Islamic Republic of Iran.

34. I learned about Zarkawi’s laboratories to manufacture chemical and

biological weapons and his ties to Iran from one of his top deputies, a 32-year old Jordanian named Abu Attiya, who was Zarkawi's representative in the Pankissi Gorge in the northern part of the Central Asian republic of Georgia.²

35. A number of Frenchmen of North African origin came to the Pankissi Gorge prior to 9/11, hoping to get military training and to be sent by *al Qaeda* to fight the Russians in Chechnya. [p. 437.]

36. After the 9/11 attacks, Abu Attiya feared an American military operation against him in the Caucuses, and wanted to send his foreign *mujahedeen* fighters back to their countries of origin. But a group of Jihadists living in France, led by Merouane Benhamed, a former GIA member, refused to leave. So Abu Attiya arranged for them to get advanced training in electronic circuitry and chemical weapons, for use in future terrorist attacks against France. [p. 437.] In particular, they were planning an attack on Charles de Gaulle airport using SAM-7 shoulder-launched surface-to-air missiles, and to launch other attacks using cyanide-based poisons.

37. Abu Attiya knew that poisons were a specialty of Zarkawi's *Ansar al Islam* group and, with the knowledge of the Iranians, he traveled to Zarkawi's enclave in northern Iraq to procure these deadly materials. To get to the *Ansar al Islam* enclave, members of Zarkawi's group never went through Baghdad but always transited through Iran, where they had excellent contacts. The Iranians permitted Zarkawi and his men to reach the *Ansar al Islam* enclave whether they were coming from Afghanistan, Turkey, or Azerbaijan.

38. Abu Attiya arranged to acquire three kilograms of top quality cyanide manufactured in Zarkawi's camp. His contact was a top Zarkawi deputy with strong Iranian connections named Abu Taisir, a/k/a Abdul Daghlas.³ The poisons were manufactured and stockpiled in the *Ansar al Islam* camps. Their toxicity had been tested by the Chechens in Russia, where they had daubed the door handles of Russian police cars with cyanide. Unless a series of antidotes were administered immediately, the effect proved lethal within ten hours. Zarkawi's men were also making biological weapons, and they acquired cesium and other nuclear materials with the intent of making a "dirty" bomb. [p. 438.]

39. Two of the three kilograms of cyanide were sent to Merouane Benhamed to be used in future attacks against France. From Iraq, the poisons were shipped through Iran to Turkey, where an Algerian named Taqi al-Din, a/k/a Reda Boudraa, was supposed to take them to their final destination. Until now, we have never found these poisons or seen them used in any terrorist attacks, so we don't know if they made it to their final destination. [p. 438.]

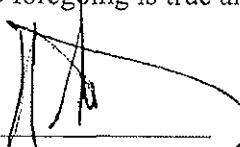
² Abu Attiya was arrested in Azerbaijan and extradited to Jordan, where I interrogated him in April 2005, thanks to the cooperation of the Jordanian police. [p. 438.]

³ Abdul Daghlas was eventually killed during an airstrike against the *Ansar al Islam* enclave in 2003.

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40. Another batch of the poisons was destined for the network of *Abu Doha* in Great Britain. Members of this group were involved in several attempted terrorist attacks using ricin, another poison developed by the Zarkawi group.
41. Most of these details I learned from Abu Attiya himself. It was clear to me that Zarkawi had direct ties to the Iranian regime for his terrorist operations..
42. In Afghanistan, Zarkawi established camps near Herat, on the Iranian border, and regularly crossed into Iran. [p.448.]
43. Senior Iranian intelligence officers met regularly with top *al Qaeda* operatives in Mashad, Iran, close to the Afghan border, and established a “rat line” to evacuate *al Qaeda* operatives from Afghanistan after the 9/11 attacks.
44. After the fall of Saddam Hussein’s regime in 2003, Zarkawi devoted himself entirely to the struggle against the Americans and their Iraqi allies, before also attacking the Shiite community in Iraq. Osama bin Laden supported his activities and designated him as *al Qaeda*’s representative in Iraq. [p. 449.]
45. I was stunned when I watched U.S. Secretary of State Colin Powell’s presentation to the United Nations Security Council in October 2002, when he showed satellite photographs and two organization charts ostensibly showing the links between Saddam’s regime and *al Qaeda*. He mentioned Zarkawi’s group, *Ansar al Islam*, as the main conduit of Saddam’s support for *al Qaeda*. He also named in his presentation Zarkawi’s two deputies, Abu Taisir and Abu Attiya, and two Frenchmen, Merouane Benhamed and Menad Benchellali. We arrested the two Frenchmen in December 2002 in France as part of our investigation into the Chechen terrorist networks.
46. This information was communicated to the U.S. intelligence community as part of our international cooperation. However, our investigation, which was led by the DST, never showed any relationship between Zarkawi and his group and Saddam Hussein. On the contrary, Zarkawi’s principal ally was the Islamic Republic of Iran, whose territory he used regularly to bring operatives and equipment into his enclave in Iraqi Kurdistan in northern Iraq. I was stunned that Secretary of State Powell never mentioned this during his U.N. speech, and by the fact that he released information provided by us from an ongoing French judiciary investigation without even seeking our approval. [pp. 450-51.]

I, **Jean-Louis Bruguière**, hereby declare and affirm that the foregoing is true and correct to the best of my knowledge.



Jean-Louis Bruguière

Executed in Paris, France.

March 16 2010